

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Marcus Davidsson, et al.

Serial No.: 10/031,789

Filed: June 17, 2002

For: Television Chat Rooms

Atty. Docket No.: 004770.00774

Group Art Unit: 2426

Examiner: Paul J. Graham

Confirmation No.: 8548

LETTER REGARDING EXTENSION OF TIME FEES

U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Despite the fact that Applicant filed an amendment in response to the previous final Office Action within two months of the Office Action (in February 2009), the U.S. Patent and Trademark Office has yet to formally mail an Advisory Action.

It is now six months from the mailing of the final Office Action, and so Applicant is forced to file an RCE today to maintain the present application. However, the rules do not directly address whether any extensions of time are needed in this situation in connection with filing the RCE (i.e., where the patent office has failed to provide an advisory action within the six-month statutory deadline after Applicant responds within two months).

Accordingly, the undersigned authorizes any required extension of time fees to be charged to our Deposit Account No. 19-0733 for filing the RCE submitted herewith.

However, Applicant respectfully submits that such fees would be grossly unjust and should not be owed by Applicant, because all delay occurring after Applicant's response to the final Office Action was solely caused by the U.S. Patent and Trademark Office.

Moreover, the MPEP appears to agree that no extension fees are due in the present situation. For instance, MPEP 706.07(f) states that "... if the reply is filed within 2 months of the date of the final Office action, the shortened statutory period will expire at 3 months from the

date of the final rejection or on the date the advisory action is mailed, whichever is later.” Applicant submits that, because the Advisory Action has not yet mailed, the mailing date is in the future. Therefore, the shortened statutory period has not yet ended.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Date: June 22, 2009

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